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Attorneys for Plaintiff and Counter-Defendant ViaSat, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

VIASAT, INC.

a Delaware corporation,

Plaintiff and Counter-Defendant,

v.

ACACIA COMMUNICATIONS, INC.

a Delaware corporation,

Defendant and Counter-Claimant.

) Case No. 3:16-463-BEN-JMA

)

) **ViaSat's Notice of Motion and Motion**
) **for Summary Judgment on Acacia's**
) **Counterclaim for Patent**
) **Misappropriation**

)

) Date: March 5, 2018

) Time: 10:30 a.m. PST

) Place: Courtroom 5A

)

) Hon. Dist. Judge Roger T. Benitez

) Hon. Magistrate Judge Jan M. Adler

) Case Initiated: January 21, 2016

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on March 5, 2018, at 10:30 a.m. PST, or as soon
 3 thereafter as counsel may be heard in Courtroom 5A of the Edward J. Schwartz
 4 Courthouse, located at 221 West Broadway, San Diego, California, 92101, Plaintiff and
 5 Counter-Defendant ViaSat, Inc., will move, and hereby does move, under Rule 56 of the
 6 Federal Rules of Civil Procedure, for an order granting summary judgment in favor of
 7 ViaSat on Acacia's counterclaim for patent misappropriation. ViaSat submits that based
 8 on the undisputed material facts, and as a matter of law, Acacia cannot prevail on a claim
 9 for patent misappropriation or equitable ownership under Title 35. Therefore, ViaSat
 10 seeks an order granting summary judgment on Count 1 of Acacia's counterclaims.

11 This Motion is based on this Notice of Motion and Motion, the Memorandum of
 12 Points and Authorities in Support of ViaSat's Motion for Summary Judgment on Acacia's
 13 Counterclaim for Patent Misappropriation, the Declaration of Erika H. Warren, and
 14 exhibits attached to it, all of which are filed and served with this notice, as well as any
 15 other evidence and argument as may be presented at or before the hearing of this matter.

16
 17 Dated: February 2, 2018

/s/ Kenneth M. Fitzgerald

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CERTIFICATE OF SERVICE

I certify that today I am causing to be served the foregoing document by CM/ECF notice of electronic filing upon the parties and counsel registered as CM/ECF Users. I further certify that am causing the foregoing document to be served by electronic means via email upon counsel for Acacia Communications, Inc., per the agreement of counsel.

Dated: February 2, 2018

s/ Kenneth M. Fitzgerald

Kenneth M. Fitzgerald, Esq.